

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

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Master File No. 1:00 - 1898  
MDL 1358 (SAS)  
M21-88

This document relates to:

*Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050  
*Tonneson, et al. v. Sunoco, Inc., et al.*, 03 Civ. 8248

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**STIPULATION AND [PROPOSED] ORDER  
DISMISSING MEDICAL MONITORING AND  
GENERAL BUSINESS LAW SECTION 349 CLAIMS**

Pursuant to the stipulated agreement of counsel, and subject to the approval and entry as  
an Order by the Court:

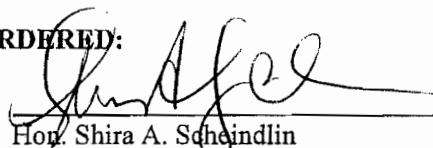
1. The *Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050 ("Basso") Plaintiffs' In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation against Defendants Sunoco, Inc., Sunoco, Inc. (R&M) and Exxon Mobil Corporation (collectively, "Defendants"), which is set forth at Paragraphs 143-151 of their Complaint filed on or about November 17, 2003 (the "Basso Complaint"), is hereby dismissed with prejudice;
2. The *Tonneson, et al. v. Sunoco, Inc., et al.*, 03 Civ. 8248 ("Tonneson") Plaintiffs' claims against Defendants for medical monitoring damages, which are set forth, *inter alia*, at Paragraph 54 of their Complaint filed on or about October 17, 2003 (the "Tonneson Complaint"), are hereby dismissed with prejudice;
3. The *Tonneson* and *Basso* Plaintiffs' Seventh Causes of Action (New York General Business Law Section 349 -- Unfair Competition) against Defendants, which are set

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forth at Paragraphs 96-103 of the *Tonneson* Complaint and Paragraphs 95-102 of the *Basso* Complaint, respectively, are hereby dismissed with prejudice; and

4. Third-Party Defendant Town of Highlands' (the "Town") Eighth Counterclaim (Violation of Section 349 of the New York State General Business Law) against Third-Party Plaintiffs Sunoco, Inc. and Sunoco, Inc. (R&M), which is set forth at Paragraphs 42-49 of the Town's Amended Answer with Counterclaims filed on or about August 27, 2007, is hereby dismissed with prejudice.

**SO ORDERED:**

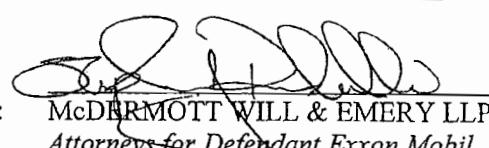
  
Hon. Shira A. Scheindlin  
U.S.D.J.

Dated: 2/26/08

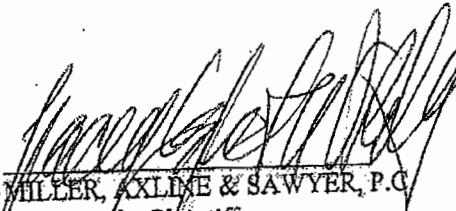
**STIPULATED AND AGREED:**

  
By: BEVERIDGE & DIAMOND, P.C.  
*Attorneys for Defendants Sunoco, Inc. and  
Sunoco, Inc. (R&M)*

Dated: 2/20/08

  
By: McDERMOTT WILL & EMERY LLP  
*Attorneys for Defendant Exxon Mobil  
Corporation*

Dated: 2/14/08

  
By: MILLER, AXLINE & SAWYER, P.C.

Attorneys for Plaintiffs

Dated: Feb. 25, 2008

  
By: THE SARCONE LAW FIRM, PLLC

Attorneys for Plaintiffs

Dated: 2-19-08

By: HELLER, HOROWITZ & FEIT, P.C.  
Attorneys for Plaintiff and Third-Party  
Defendant Town of Highlands

Dated: \_\_\_\_\_

By: MILLER, AXLINE & SAWYER, P.C.  
*Attorneys for Plaintiffs*

Dated: \_\_\_\_\_

By: THE SARCONE LAW FIRM, PLLC  
*Attorneys for Plaintiffs*

Dated: \_\_\_\_\_  


By: HELLER, HOROWITZ & FEIT, P.C.  
*Attorneys for Plaintiff and Third-Party  
Defendant Town of Highlands*

Dated: 2/13/08